

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE TESLA INC. STOCKHOLDER
DERIVATIVE LITIGATION

§
§ Lead Case No. 1:22-cv-00592-DAE

§
§ (Consolidated with Case No. 1:22-cv-00611-
§ DAE)

This Document Relates To:

All Cases

AGREED MOTION TO MODIFY DEADLINE TO FILE AMENDED COMPLAINT

COMES NOW plaintiff Alvin Janklow ("Plaintiff"), individual defendants Elon Musk, Robyn Denholm, Kimbal Musk, Ira Ehrenpreis, James Murdoch, Lawrence J. Ellison, Kathleen Wilson-Thompson, Hiromichi Mizuno, Antonio J. Gracias, Stephen T. Jurvetson, Brad W. Buss, and Linda Johnson Rice, and nominal defendant Tesla, Inc. ("Defendants," and with Plaintiff, the "Parties") move to modify the current deadline for Plaintiff to file an amended complaint ("Amended Complaint"). In support of this motion, the Parties state and propose as follows:

1. On September 15, 2023, the Court entered an order adopting in part and vacating in part U.S. Magistrate Judge Howell's Report and Recommendation, granting Defendants' Motion to Dismiss, and granting Plaintiff leave to file an Amended Complaint within thirty days of the date of the order (ECF No. 70).

2. Plaintiff's Amended Complaint is currently due October 16, 2023.

3. In light of certain unanticipated scheduling conflicts affecting Plaintiff's counsel in this matter, the parties have agreed to an extension of Plaintiff's deadline to file the Amended Complaint, to November 3, 2023.

4. Following the filing and service of the Amended Complaint, Defendants shall have forty-five (45) days to file and serve a responsive pleading or answer to the Amended Complaint.

5. If Defendants respond with a motion to dismiss, within forty-five (45) days of filing and service, Plaintiff shall file and serve his opposition to the motion.

6. Defendants shall file and serve any reply in further support of their motion within twenty-one (21) days of the filing and service of Plaintiff's opposition.

7. The agreed-to extension is not entered into for purposes of delay and will not result in any prejudice.

8. In the event the Court does not issue an order in accordance with this motion, the undersigned will not argue that Plaintiff failed to timely an Amended Complaint.

WHEREFORE, the Parties pray for an order extending the time for Plaintiff's filing of the Amended Complaint, and the Parties' briefing schedule as set forth in this motion.

Dated: October 9, 2023

Respectfully submitted,

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/s/ Shane P. Sanders

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Dated: October 9, 2023

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CERTIFICATE OF CONFERENCE

I certify that on October 9, 2023, I conferred with counsel for defendants, Olivia Rosen of Freshfields Bruckhaus Deringer US LLP, regarding the substance of this motion and she stated that Defendants agree with the relief requested herein.

/s/ Shane P. Sanders

SHANE P. SANDERS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed with the Court's electronic case filing (ECF) system on October 9, 2023, which caused an electronic copy of this document to be served on all counsel of record in this matter who have registered for ECF service.

/s/ Shane P. Sanders

SHANE P. SANDERS

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